19 43

File No. B. Betting Tax/43

Legal Dept

3 **BRANCH**

Subject:— Governors Bill (No. XIV of 1943

A Bill to amend the Betting Tax

Act 1925

(amendment of ss. 5 and 8 of Bord. VI of 1925)

Bom. I of '943

P78/43

File No. B. Betting Tax/43

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_C_O_N_T_E_N_T_S_

Legal Department File No. B.Betting Tax/43.

Serial No.	R.I./O.No.	Subject	Pages.
		A Bill to amend the Betting Tax Act, 1925.	
1	U.R. to F.D.No. 373-Confl. dt. 6th Dec. 43	Draft bill	1-2
2	G.L.L.D.No. 373 380-Confl. dt. 11th Dec. 1943	Governor's assent	3-4
3	L.D.R.I.No. 380-Confl. dt. 15th Dec. 1943.	Governor's instructions about the publication of the Act	5-6
4	L.D.R.I.No. 381 Conf. dt. 15th Dec. 1943	Governor's assent	7-8
5	G.R.L.D.No. 9209 dt. 16th Dec. 1943.	Publication of the Act	9-12

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5 Copies.

Office of the R.L.A.

The draft Bill at page 5, as formally amended, is in order. The draft Statement at page 7 is in order.

2 The subject-matter of the Bill relates to entry 50 in List II in the Seventh Schedule to the Government of India Act, 1935. Since the Bill has not touched any matter in the Concurrent Legislative List, no reservation under section 107(2) of the Act is necessary. Owing to the suspension of section 82 of the Act under the Proclamation issued 93 there is no question of recommendation under section 82(1)(a) of the Act.

Id./P.N.M. 6/12

Remembrancer of Legal Affairs.

U.R. to F.D., No. 373-Confl., dated th 6th December 43.

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No. 380 Confl.

Legal Department,
Bombay Castle, 11th December 194

From

P.N.Moss, Esquire, Bar-at-Law, I.C.

Secretary to the Govt. of Bombay;

To

The Secretary to the Governor of Bo- mbay,

Subject :- A Bill to amend the Bombay Betting Tax Act, 1935.

Sir,

With reference to your memorandum No. 201(91), dated the 8th December 1943, addressed to the Finance Department on the above subject, I am directed to forward herewith for the assent of His Excellency the Governor a copy of the Bill to amend the Bombay Betting Tax Act, prepared by His Excellency the Governor under paragraph (2) of the Proclamation dated the 4th Nove mber 1939 issued by him under section 93 of the Government of India of India Act, 1935.

2 None of the provisions of the Bill affects any special responsibility of the Governor under section 52(1) of the Govern ment of India Act, 1935, or falls within the purview of clause (a),(b),(c) or (d) of paragraph XVII of the Instrument of Instru ctions to the Governor of Bombay.

3 The subject-matter of the Bill relates to entry 50 in List II in the Seventh Schedule to the Government of India Act, 1935. The Bill does not relate to any matter enumerated in the 6 Concurr

ent Legislative List. It is not, therefore, necessary to reserve the Bill for consideration of the Governor-General with reference to paragraph (2) of the Proclamation and section 107(2) of the Government of India Act, 1935.

4 The date on which His Excellency the Governor's assent is given may kindly be entered in the endorsement.

5 I also forward herewith one spare copy of the Bill.

Your obedient servant,

Id./P.N.M.

Secretary to the Government of Bombay,
Legal Department.

Through

The Joint Secretary to the Government of Bombay,,
Finance Department.

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4 Copies.

5

GOVERNMENT HOUSE.
Bombay.
13th December 1943.

Bill to amend the Bombay Betting Tax Act, 1926.

I am directed to say that His Excellency has today enacted Governor's Act No. XIV of 1943 amending the above.

2 Before the amending Act is published, His Excellency directs that the following action should be taken:-

(1) The notification regarding the enhanced rates of taxation under the Act should be prepared so as to be published simultaneously with the Act.

(2) The Act should not be published until the notification regarding the enhanced rates of entertainment tax is also ready for publication. His Excellency desires the latter to be expedited, so that the new rates both of betting tax and of entertainment tax can be enforced simultaneously. If necessary, the publication of the Betting Tax Act will have to be postponed till after the next race meeting, and His Excellency will have no objection to this, if it should prove unavoidable, but considers that action should be completed before the Christmas meetings.

Yours

B. Venkatappiah, Esq., I.C.S.,
Jt. Secretary to Government,
Finance Department,
Secretariat, Bombay.

Confidential

Governor's Secretary's Office.
Government House.
Bombay, 13th December 1943.

Copy forwarded with compliments to the Secretary to the Government of Bombay, Legal Department, for information and guidance. Further action should only be taken in consultation with the Finance Department.

Sd./

Secretary to the Governor.

SMR 4-7-56,
4 Copies.

No. 201(91)

Office of the Governor's Secretary

Government House, Bombay, 13th December 1943.

IMMEDIATE.
Confidential.

From

D.Symington, Esquire, C.I.E.,I.C.S
Secretary to the Governor of
Bombay,

To

The Secretary to Government,
Legal Department, Bombay.

Subject: Bill to amend the Bombay Betting Tax Act,1925.

Sir,

With reference to your letter No. 380-Confl., dated 11th December 1943, I am directed to return herewith the copy of the Bill to amend the Bombay Betting Tax Act, 1925, prepared by His Excellency the Governor under paragraph (2) of the Proclamation, dated the 4th November 1939, issued by him under section 93 of the Government of India Act, 1935,and to state that under the provisions of the aforesaid paragraph His Excellency the Governor is pleased to declare that he assents to the Bill in the name of His Majesty.

Your obedient servant,

Sd./D.Symington.
Secretary to the Governor of
Bombay.

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4 Copies.

Act:

Publication of the Bombay Betting Tax(Amendment)Act, 1943.

GOVERNMENT OF BOMBAY.
Legal Department.
Resolution No. 9209
Bombay Castle 16th December 1943.

Letter to the Secretary to the Governor No. 330-Confl., dated the 11th December 1943.

Letter from the Secretary to the Governor, No. 201(91) dated the 13th December 1943:-

"With reference to your letter No. 330-Confl., dated 11th December 1943, I am directed to return hetewith the copy of the Bill to amend the Bombay Betting Tax Act, 1939 prepared by His Excellency the Governor under paragraph (2) of the Proclamation, dated the 4th November 1939, issued by him under section 93 of the Government of India Act, 1935, and to state that under the provisions of the aforesaid paragraph His Excellency the Governor is pleased to declare that he assents to the Bill in the name of His majesty".

RESOLUTION - The law should be published as Bombay Act No. XI of 1943 in the Bombay Government Gazette dated the 16th Dec. 1943.

2 The Act should be translated into Marathi, Gujarati, and Hindustani(in Urdu and Devnagari scripts) and the translations be published in the Bombay Government Gazette.

3 A copy of the Act should be forwarded to the Finance Department.

By order of the Governor of Bombay,

Sd./ K.M.Chitnivis. 16/12

For (Sd/P.N.Woos,
(Secretary to Government.

To

The Manager, Government Central Press, Bombay(with a copy of the Act and with a request that 15 Gazette copies of the Act may be forwarded to the Legal Department),
Etc.

SMR 4-7-56,
4 Copies.

Registered No. B-1

The Bombay Government Gazette

PUBLISHED BY AUTHORITY

THURSDAY, 16TH DECEMBER 1943.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART IV

(1) Acts of the Local Legislature of the Bombay Province and (2) Acts of the Indian Legislature assented to by the Governor General.

CONTENTS

	PAGES
BOMBAY ACT No. XI OF 1943—An Act to amend the Bombay Betting Tax Act, 1925	267-268

The following Act made by the Governor of Bombay in exercise of the powers vested in him by virtue of the Proclamation dated the 4th November 1939 issued by him under section 93 of the Government of India Act, 1935, having been assented to by him on the 13th December 1943 is hereby published for general information.

P. N. MOOS,

Secretary to the Government of Bombay,
Legal Department.

BOMBAY ACT No. XI OF 1943.

(First published, after having received the assent of the Governor, in the "Bombay Government Gazette" on the 16th December 1943.)

An Act to amend the Bombay Betting Tax Act, 1925.

Bom. VI of 1925.

WHEREAS it is expedient to amend the Bombay Betting Tax Act, 1925, for purposes hereinafter appearing;

26 Geo. 5, Ch. 2.

AND WHEREAS the Governor of Bombay has assumed to himself under the Proclamation dated the 4th November 1939 issued by him under section 93 of the Government of India Act, 1935, all powers vested by or under the said Act in the Provincial Legislature;

NOW, THEREFORE, in exercise of the said powers the Governor of Bombay is pleased to make the following Act :—

Short title. 1. This Act may be called the Bombay Betting Tax (Amendment) Act, 1943.

Amendment of section 5 of Bom. VI of 1925. 2. In section 5 of the Bombay Betting Tax Act, 1925 (hereinafter called "the said Act"), for the figure and words "4 per cent" the figures and words "10 per cent" shall be substituted. Bom. VI of 1925.

Amendment of section 8 of Bom. VI of 1925. 3. In section 8 of the said Act, for the figure and words "5 per cent" the figures and words "10 per cent" shall be substituted.

STATEMENT.

Under the Bombay Betting Tax Act of 1925 a totalisator tax not exceeding 4 per cent. and a betting tax not exceeding 5 per cent. can be levied. Government has decided that these percentages should be increased to 10 per cent. in each case.